

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address LEWIS BRISBOIS BISGAARD & SMITH, LLP LOVEE D. SARENAS, SBN 204361 Email: lovee.sarenas@lewisbrisbois.com MARIA L. GARCIA, SBN 276135 Email: maria.l.garcia@lewisbrisbois.com 633 West 5 th Street, Suite 4000 Los Angeles, CA 90071 Tel.: 213.250.1800 Fax: 213.250.7900 <input type="checkbox"/> Individual appearing without attorney <input checked="" type="checkbox"/> [Proposed] Attorney for: Chapter 7 Trustee Amy L. Goldman	FOR COURT USE ONLY
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA – SAN FERNANDO VALLEY DIVISION	
In re: AMIR ELOSSEINI, Debtor(s).	CASE NO.: 1:17-bk-13142-VK CHAPTER: 7 [Previously Chapter 11] NOTICE OF SALE OF ESTATE PROPERTY

Sale Date: August 27, 2020	Time: 2:00 p.m.
Location: Courtroom 301, 21041 Burbank Boulevard, Woodland Hills, CA 91367	

Type of Sale: ☒ Public ☐ Private **Last date to file objections:** August 13, 2020

Description of property to be sold: the estate's rights, title and interest in the real property commonly known as 3541 Eddingham Avenue, Calabasas, CA 91302, APN: 2080-007-022 ("Property") for an all cash purchase of \$1,136,000.00 ("Purchase Price") to Christian Scheurer and Laura Scheurer ("Buyers"), who are also the current tenants in the Property, or a successful overbidder on the terms set forth in the sale documents attached to the Motion (collectively, "Purchase Agreement")

Terms and conditions of sale: please see Attachment to this Notice

Proposed sale price: \$1,136,000 subject to overbids

Overbid procedure (if any): please see Attachment to this Notice

If property is to be sold free and clear of liens or other interests, list date, time and location of hearing:

August 27, 2020 at 2:00 p.m.

United States Bankruptcy Court

Courtroom 301

21041 Burbank Boulevard

Woodland Hills, CA 91367

Contact person for potential bidders (include name, address, telephone, fax and/or email address):

Lovee D. Sarenas or Maria L. Garcia

Lewis Brisbois Bisgaard & Smith, LLP

633 West 5th Street, Suite 4000

Los Angeles, CA 90071

Tel.: 213.250.1800

Fax: 213.250.7900

Email: lovee.sarenas@lewisbrisbois.com; and
maria.l.garcia@lewisbrisbois.com

Date: 08/06/2020

ATTACHMENT

A. Terms and Conditions of Sale:

- a. The Trustee agreed to sell to the proposed buyers Christian Scheurer and Laura Scheurer ("Buyers"), who are also the current tenants in the Property, or to a successful overbidder approved by the Trustee and the Court, on the terms set forth in the sale documents (collectively, "Purchase Agreement") attached to the Motion, the estate's rights, title and interest in the Debtor's real property located at 3541 Eddingham Avenue, Calabasas, CA 91302, APN: 2080-007-022 ("Property"), in exchange for the payment of \$1,136,000.00 ("Purchase Price") in an all cash transaction.
- b. The sale is on an "as is" and "where is" basis, without any representation or warranty whatsoever except that the Property is being sold free and clear of certain claims, liens, encumbrances and interests pursuant to 11 U.S.C. § 363(f). The preliminary title report on the Property reflects the following liens and security interests that have been recorded against the Debtors' Property as of the Petition Date: Wells Fargo Home Mortgage ("First") in the estimated sum of \$812,617.39; Wells Fargo Home Equity ("Second") in the estimated sum of \$148,293.54; and the Internal Revenue Service ("IRS") in the sum of \$74,525.47 of which \$11,541.43 is accrued penalties. The Trustee requests that the Property be sold free and clear of the First, Second and Third pursuant to 11 U.S.C. § 363(f). The Buyers are also the current tenants of the Property under a lease agreement entered with the Debtor through January 31, 2021 that was not approved by the Court. The Trustee requests that the Property be sold subject to the Buyers' remaining tenancy, requiring the successful overbidder to take the necessary steps to coordinate with the tenants to vacate the Property in a reasonable and timely manner and/or take the necessary steps to remove the tenants from the Property.
- c. An earnest money deposit in the sum of \$25,000.00 ("Earnest Money Deposit") has been delivered to Pure Logic Service. If the Buyers are not the successful purchaser or if the sale to the Buyers is not approved by the Bankruptcy Court, the Earnest Money Deposit will be fully refunded to Buyers. If Buyers are the successful purchasers but fail to close escrow, the Earnest Money Deposit becomes non-refundable.
- d. The sale of the Property is subject to an overbid procedure described below to be approved by the Bankruptcy Court.
- e. The Motion seeks a finding of a good faith purchaser within the meaning of 11 U.S.C. § 363(m).
- f. The Motion seeks authorization for the payment of a 5% brokers' commission due at the close of escrow pursuant to 11 U.S.C. § 328. The brokers' commission shall be paid as follows: 2.5% to Broker Rob Magnotta, the Buyers' broker (previously and before the Trustee was appointed, Rob Magnotta was an associate broker at First Team Estates; all commission due to the Buyers' broker is due solely to Broker Rob Magnotta), on the one hand, and 2.5% to Jeannie Volin, the real estate agent employed by the Chapter 11 bankruptcy estate to sell and market the Property. No commission shall be due and payable except from the cash proceeds from the sale and upon closing of such sale. The Trustee believes the brokers' commission is fair and reasonable. Additionally, the estimated costs of sale are believed to be \$65,250.94; and the Trustee is informed and believes there is minimal tax liability to the estate as a result of the sale if any.
- g. The Motion seeks a waiver of the 14-day stay pursuant to Fed. R. Bankr. Proc. 6004(h).

B. Overbid Procedure:

- a. **Overbid Requirements.** Any party wishing to participate in the overbid process must notify the Trustee and the Trustee's professionals of his/her/its intention to do so and evidence of ability to fund and to close the sale that is satisfactory to the Trustee no later than three (3) business days before the hearing on the Motion.

The Buyers are entitled to overbid. Each party participating in the overbid process (except for the Buyers

who paid the Earnest Money Deposit) must remit to the Trustee, prior to the hearing on the Motion, a deposit in the form of a cashier's check or money order made payable to the Trustee, solely in her capacity as Chapter 7 Trustee, in the amount of \$25,000.00 three business days prior to the hearing. The deposit shall not be refundable if such party is the successful bidder and is thereafter unable to complete the purchase of the Property per the terms of the proposed sale after entry of an order approving this Motion.

- b. **Bidding At Sale.** Each party or their authorized representative (including the Buyers) must be present telephonically at the hearing on the Motion in order to participate in the overbid process. Any initial overbid for the Property must be in an amount not less than \$1,141,000 (i.e., \$5,000 more than the Purchase Price). Subsequent minimum bid increments shall be set at not less than \$2,500. Any party participating in the overbid process shall not be precluded from continuing to make bids after initially passing his/her/its turn or turns to overbid.
- c. **Closing of Sale and Forfeiture of Deposits.** The successful bidder must pay the full amount of the successful bid to the Trustee within fifteen (15) calendar days after the entry of an order granting the Motion. In the event that the Buyers are not the successful bidder of the Property, the successful bidder shall then become the buyer under the same terms and conditions as set forth in the Purchase Agreement and shall waive all contingencies regarding the purchase of the Property. If the successful bidder cannot deliver the balance of the overbid sale price within fifteen (15) calendar days after the entry of an order granting the Motion, the Trustee shall be authorized to accept the offer made by the next highest bidder and the successful bidder's deposit shall be non-refundable.
- d. **Backup Bidder.** The qualified bidder who submits the second best/highest bid for the Property may be designated as the backup bidder. If the successful bidder cannot deliver the balance of the overbid sale price within fifteen (15) calendar days after the entry of an order granting the Motion, the Trustee shall be authorized to accept the offer made by the next highest bidder and the successful bidder's deposit shall be non-refundable.

In the event the Bankruptcy Court enters an order that authorizes the sale to another bidder and the Buyers are not a backup bidder, the Trustee shall refund the entire Earnest Money Deposit to the Buyers within ten (10) calendar days following entry of such order of the Bankruptcy Court. In the event the backup bidder cannot deliver the balance of the overbid sale price within fifteen (15) calendar days after written notice from the Trustee, the backup bidder's deposit shall be non-refundable.

In the event the Buyers are not the winning bid but are the backup bidder, the Trustee shall refund the entire Earnest Money Deposit to the Buyers only if the sale closes to the winning bidder and within ten (10) calendar days following such closing.

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PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 633 W. 5th Street, Suite 4000, Los Angeles, CA 90071.

A true and correct copy of the foregoing document described as: **NOTICE OF SALE OF ESTATE PROPERTY**, will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner indicated below:

I. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF") - Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s) ("LBR"), the foregoing document will be served by the court via NEF and hyperlink to the document. On August 6 2020, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email address(es) indicated below:

- Katherine Bunker kate.bunker@usdoj.gov
- Maria L Garcia Maria.L.Garcia@lewisbrisbois.com
- Amy L Goldman (TR) marisol.jaramillo@lewisbrisbois.com, AGoldman@iq7technology.com;ecf.alert+Goldman@titlexi.com
- Gwendolyn C McClain gwendolyn.c.mcclain@wellsfargo.com
- David Miller mayrabustamante@libertybelllaw.com, davemiller@libertybelllaw.com
- Kevin Tang kevin@tang-associates.com, kevintang@ecf.courtdrive.com,tangassociates@jubileebk.net;tangkr88411@notify.bestcase.com
- Edward A Treder cdcaecf@bdfgroup.com
- United States Trustee (SV) ustpreion16.wh.ecf@usdoj.gov
- Darlene C Vigil cdcaecf@bdfgroup.com

[] Service information continued on attached page

II. SERVED BY U.S. MAIL OR OVERNIGHT MAIL (indicate method for each person or entity served):

On August 6, 2020, I served the following person(s) and/or entity(ies) at the last known address(es) in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, and/or with an overnight mail service addressed as follows. *Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.*

[X] Service information continued on attached page

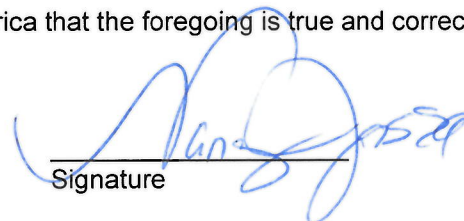
III. SERVED BY PERSONAL DELIVERY, FACSIMILE TRANSMISSION OR E-MAIL (indicate method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on August 6, 2020 I served the following person(s) and/or entity(ies) by personal delivery, or (for those who consented in writing to such service method) by facsimile transmission and/or email as follows. *Listing the judge here constitutes a declaration that personal delivery on the judge will be completed no later than 24 hours after the document is filed.*

BROKERS: robmagnotta1@gmail.com; jvolin@cfirstrealty.com;
OUSA on behalf of the IRS: Jolene.Tanner@usdoj.gov

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

August 6, 2020
Date

Nancy Jasso
Type Name


Signature

SERVICE LIST
In re Amir Elosseini
1:17-bk-13142-VK

BY U.S. MAIL:

DEBTOR:

Amir Elosseini
7316 Newcastle Avenue
Reseda, CA 91335-3245

DEBTOR'S COUNSEL

Kevin Tang
Tang & Associates
17011 Beach Blvd, Suite 900
Huntington Beach, CA 92647

David Miller
c/o LibertyBell Law Group PC
20350 Ventura Blvd Ste 230
Woodland Hills, CA 91364

SECURED CREDITORS:

Internal Revenue Service
Insolvency Group 5
300 North Los Angeles Street
M/S 5022
Los Angeles, CA 90012

Jolene Tanner, Esq.
US. Attorney's Office
Central District of California
300 N. Los Angeles St., Ste. 7211
Los Angeles, CA 90012

Internal Revenue Service
Centralized Insolvency Operations
P.O. Box 7346
Philadelphia, PA 19101-7346

Internal Revenue Service
P.O. Box 7346
Philadelphia, PA 19101-7346

Darlene C. Vigil, Esq.
Barrett Daffin Frappier Treder & Weiss, LLP
20955 Pathfinder Road, Suite 300
Diamond Bar, CA 91765

Wells Fargo Bank, NA
Home Equity Group
1 Home Campus X2303-01A
Des Moines, IA 50328-0001

Wells Fargo Bank, NA
Default Document Processing
N9286-01Y
1000 Blue Gentian Road
Eagan, MN 56121-7700

POTENTIAL BUYERS:

Christian Scheurer and Laura Scheurer
3541 Eddingham Avenue
Calabasas, CA 91302-5828

UNITED STATES TRUSTEE

Attn: Katherine C. Bunker
United States Trustee (SV)
915 Wilshire Boulevard, Suite 1850
Los Angeles, CA 90017-3560

THE HONORABLE VICTORIA S. KAUFMAN:

United States Bankruptcy Court
Central District of California
San Fernando Valley Division
21041 Burbank Boulevard, Suite 354
Woodland Hills, CA 91367

CREDITORS:

American Express
c/o Michael & Associates
555 St. Charles Drive, Suite 204
Thousand Oaks, CA 91360

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Ft. Lauderdale, FL 33319

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c/o Becket and Lee LLP
P.O. Box 3001
Malvern, PA 19355-0701

American Express Centurion Bank
c/o Becket and Lee LLP
P.O. Box 3001
Malvern, PA 19355-0701

American Honda Finance Corporation
National Bankruptcy Center
P.O. Box 168088
Irving, TX 75016-8088

American Honda Finance
P.O. Box 168088
Irving, TX 75016-8088

Bank of America, NA
P.O. Box 982238
El Paso, TX 79998-2235

Bank of America
P.O. Box 2292
El Paso, TX 79952

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20955 Pathfinder Road, Suite 300
Diamond Bar, CA 91765

Chase/Bank One Card Services
P.O. Box 15298
Wilmington, DE 19850

Daimler Trust
c/o Bankruptcy Servicing LLP
P.O. Box 131265
Roseville, MN 55113-0011

Franchise Tax Board
Bankruptcy Section MS A340
P.O. Box 2952
Sacramento, CA 95812-2952

HSBC Bank USA, NA
c/o Wells Fargo Bank, NA, as Servicer
Attn: Default Document Processing
1000 Blue Gentian Road, N9286-01Y
Eagan, MN 55121-7700

Internal Revenue Service
Insolvency Group 5
300 North Los Angeles Street
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Los Angeles, CA 90012

Internal Revenue Service
Centralized Insolvency Operations
P.O. Box 7346
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Wells Fargo Bank PCM
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Albuquerque, NM 87199

Wells Fargo Bank, NA
435 Ford Road, Suite 300
St. Louis Park, MN 55426-1063

Wells Fargo Bank, NA
Wells Fargo Card Services
P.O. Box 10438, MAC F8235-02F
Des Moines, IA 50306-0438

Wells Fargo Bank Card Serv.
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Des Moines, CA 50306

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P.O. Box 56651
Los Angeles, CA 90074-6651
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Los Angeles, CA 90030-0808
Renaissance Imaging Medical Assoc.
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Northridge Family
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